

## FARMINGTON CITY – CITY COUNCIL MINUTES

SEPTEMBER 7, 2021

### WORK SESSION

*Mayor Jim Talbot,  
City Manager Shane Pace,  
Mayor Pro Tempore/Councilman Brett  
Anderson,  
Councilman Shawn Beus,  
Councilman Scott Isaacson,  
Councilwoman Amy Shumway,  
Councilwoman Rebecca Wayment,  
City Recorder Heidi Bouck,*

*Recording Secretary Deanne Chaston,  
Community Development Director Dave  
Petersen,  
Planning and GIS Specialist Shannon  
Hansell,  
Assistant City Manager/Economic  
Development Director Brigham Mellor,  
City Attorney Todd Godfrey, and  
City Lobbyist Eric Isom.*

Mayor **Jim Talbot** called the work session to order at 6:05 p.m. He said he was interviewed by the Utah League of Cities and Towns on camera and asked about the strong points of his administration. He said the City Council is all friends, despite differences of opinion, which helps gets things done.

Mayor Pro Tempore/Councilman **Brett Anderson** offered the invocation.

### **DISCUSSION ON PROPERTY EXCHANGE WITH CW MANAGEMENT**

The work session was held to discuss a land exchange agreement. City Manager **Shane Pace** said CW Management went to the Planning Commission a few weeks ago. Developer **Mike Williamson**, who partners with CW Management, was present to talk about the parking lot location in cooperation with the City. The City's property would be orphan after the road is finished.

City Attorney **Todd Godfrey** addressed the Council about the property exchange agreement with CW Management. He said it is a property for property exchange without any cash involved. The property descriptions will be available after the road is finished, and the agreement can be refreshed with these descriptions afterward. The terms are normal for an exchange agreement, with clarifications that there will not be descriptions at the time of signing. The City could sign it after the descriptions are ready, but signing it first allows due diligence and title work to start. It makes it easier for both parties to spend a little money to get it all done. The City needs the road, candidly.

**Mayor Talbot** said getting the due diligence process going now is a good idea.

**Godfrey** said there is no out clause. Language will mention that both parties will approve without being unreasonable, and parties will need to work out disagreements or the exchange will be null and void. The property is already being considered in pending design work. It is worth fighting through a difficulty and getting this done. CW Management has a copy of this property exchange. **Williamson** said his group is comfortable without an out clause.

**Pace** said all the agreements would be on the same agenda on the same night, so everything gets tied up all at once. That is how Stack was handled. He said the master plan and land exchange agreement may both come forward to the Council in two weeks.

**Williamson** said they are proposing a shared parking agreement. It works for them, as the park will be using the parking area when the office people aren't, during the weekends and evenings. He said they may do a parking structure in the future if they build an additional office building. It is proposed to split the costs to construct the parking, but it is something they will construct. They have a parking requirement no matter what for the office building. Due to an agreement with the City, they could construct it sooner even if they don't have an immediate need for the parking.

**Mayor Talbot** said originally the City thought it was going to be a win-win for both parties, and they never really talked about sharing the construction cost that he can remember. He was taken aback when it was suggested that the City participate in the funding, but he doesn't want to trip over dimes for dollars. The City has enough on their hands to just finish the park. At this point, Councilwoman **Amy Shumway** feels the proposal is more in favor of the developer than the City.

Councilman **Scott Isaacson** verified that the Council is considering two separate deals: a land exchange and a shared parking agreement. **Williamson** said the two are connected. **Pace** reminded the Council if they don't participate in the parking agreement, the City will have to put more parking in their park.

**Pace** said the agreement will allow the City permanent access to parking. **Mayor Talbot** said it is more difficult to use a parking garage. However, **Pace** said a parking garage may be necessary if three football games are going on at once. **Isaacson** said it is not unreasonable to ask the City to participate in the costs if they will be getting permanent access to it.

**Pace** asked if the parking access and the developers' agreement to preserve area for office development long-term is enough incentive to the City to allow them to move forward with their

residential, owner-occupied townhome project first. **Williamson** said their project works with or without the land swap.

Assistant City Manager/Economic Development Director **Brigham Mellor** said without the land swap, the City would have an orphan piece of land that is difficult to access on a busy, curved road. When the road was pushed further out for the realignment, it ate into the land meant for a City park. Instead of having 15 acres, the City will now only have 12 acres. The property exchange and parking arrangement with CW Management would allow the City to have a more usable park, clean up the property lines a bit, and have a more contiguous property. He noted the City would need parking regardless; the question is only where the parking would be. Land cost alone is \$17 a square foot in West Farmington, and this arrangement with CW Management would cost the City half of \$2 per square foot for grading and asphalt. **Mellor** said it is important that the City practices what they preach about people sharing parking and avoiding a sea of asphalt. This is the better option that will maximize developable space.

**Pace** said the land swap would make a more seamless transition to the Romney land to the north. **Mayor Talbot** said any effort to enlarge the park is a good deal. He likes CW's residential product at Daybreak and the possibility of starting on the park sooner rather than later. The park will become a gem, and he wants to have people have access to it.

## **UPCOMING AGENDA ITEMS**

Planning and GIS Specialist **Shannon Hansell** spoke about the Farmington Ridge Planned Unit Development (PUD) schematic subdivision plan and preliminary PUD master plan agenda item. It is located on 420 South, a dead-end street, which is zoned R-4 and allows up to 12 units; however, the applicant has proposed only six units in a cul-de-sac. The Planning Commission didn't like the original hammerhead proposal, and does not have as much of a problem with the new proposal. When the public understood the density could be more than proposed, they were more O.K. with it. The Planning Commission recommends approval.

Councilwoman **Amy Shumway** said there are sidewalks coming into the site, but none inside. **Hansell** said the applicant is asking for a PUD because they are not complying with the underlying standards, and the backyard of Unit 3 can't have anything built there due to a Benchland Water District easement there. She said a letter from **Wayne Welninski** will be included in the minutes. While he started out with a list of concerns, after speaking with Staff, his concerns were shortened only to an increase in traffic. Community Development Director **Dave Petersen** said the Planning Commission saw it a benefit to have six units instead of 12.

Councilwoman **Rebecca Wayment** said she feels this type of housing fits in well with the neighborhood. The cul-de-sac is already small without sidewalks, and she would like to know how the development will handle parking and the overflow that could happen onto public streets. **Hansell** said they have asked the applicant to add guest parking on the south. **Petersen** said there are other developments in the City that have driveways the same size as those proposed, as well as no sidewalks, and it is working just fine in those places. He said to park two cars in a driveway requires 20 feet; adding a sidewalk to the same measurement actually compounds the parking problem, not alleviates it. **Pace** said as proposed, each house will have four stalls. Adding a sidewalk would cut that down to two.

### **REGULAR SESSION**

*Mayor Jim Talbot,  
City Manager Shane Pace,  
Mayor Pro Tempore/Councilman Brett  
Anderson,  
Councilman Shawn Beus,  
Councilman Scott Isaacson,  
Councilwoman Amy Shumway,  
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Development Director Brigham Mellor, and  
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### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:00 p.m.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

Councilwoman **Amy Shumway** offered the invocation, and the Pledge of Allegiance was led by Councilman **Shawn Beus**.

### **PUBLIC HEARINGS:**

#### **Internal Accessory Dwelling Units Zone Text Amendments (ZT-15-21)**

Community Development Director **Dave Petersen** presented this agenda item. Last year, Farmington amended its Zoning Ordinance to combine the definition of secondary dwelling units (SDU) and detached accessory dwelling units (ADU). These are typically basement apartments

or dwellings in the back parts of houses. Farmington has called them Secondary Dwelling Units, with ADUs being detached as Farmington defined them since the 2000s. When the moderate income housing bill came out in 2019, **Petersen** noticed that most communities considered them all ADUs, if they were detached or attached. Farmington changed their ordinance to combine them all to ADUs. However, the State is now dividing it out, so Farmington needs to change the ordinance back.

The State adopted House Bill 82 this year, and by October 1, 2021, a municipality should review those zones that are primarily residential and adopt an ordinance to allow Internal Accessory Dwelling Units (IADUs) as a permitted use, not a conditional use to be determined by the Planning Commission. HB82 defines an IADU as “an accessory dwelling unit created (i) within a primary dwelling; (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.” At this time, all primarily residential zones in Farmington allow for accessory dwelling units by conditional use except the R Zone.

If a city doesn’t change their ordinance by October 1, 2021, all zones will permit IADUs no matter what the ordinances on the books say. This is a state mandate. HB82 said a municipality may do any of nine things listed in the Staff report lettered A through I. **Petersen** discussed the items with the Council. The City is already doing or is willing to do a majority of the items. He does not recommend creating more paperwork such as that required for licensing, since Farmington has very few ADUs compared to the 500 to 600 that Orem has. The IADUs would not be allowed in the Mixed Use zone north of Cabela’s. While the City needs to comply with State law to make it easier for residents who want to do an IADU, the State has not provided language.

Councilwoman **Rebecca Wayment** said it will be good to clean up all the references, and she also likes the idea of having a list of the IADUs in the City, as it may help with affordable housing numbers. **Petersen** said the City has been keeping a log since 2002, so they know where they all are. Item L is more about recording it so future home buyers know they actually had an ADU, which must still comply with all building codes. Those wanting an ADU are also required to get a building permit. Recording notice on the property would not make it necessary to provide notice to neighboring property owners or to re-record the plat.

Councilman **Scott Isaacson** said any lots less than 8,000 square feet would likely be in a Planned Unit Development (PUD), and may be subject to Homeowners’ Association (HOA) Covenants, Conditions, and Restrictions (CC&Rs). **Petersen** said according to HB82, HOAs cannot prohibit

ADUs either. If HOAs cannot restrict them, **Isaacson** said he would like to add language that addresses lots less than 6,000 feet. **Wayment** agreed and said she is worried about not having enough parking and yards for more people. Mayor Pro Tempore/Councilman **Brett Anderson** was hesitant to allow something that could produce even denser housing than the options already available. **Wayment** asked about addressing issues with the Post Office and delivery services for ADUs. Planning and GIS Specialist **Shannon Hansell** answered that typically ADUs ask for another address. If not, the two residents can sort their own mail.

**Mayor Talbot** opened the Public Hearing at 7:38 p.m. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

**Shumway** said she wants more discussion about allowing IADUs in the R zone. **Petersen** said there are seven R zones in the City—including Oakridge, Somerset, and King Hollow—which is less than 25% of the total area in the municipality. City Manager **Shane Pace** said he followed this issue in the Legislature, and the 6,000 square foot issue revolved around having enough additional parking.

**Beus** said he would like to allow IADUs throughout the whole City, but he can tell the whole Council is not agreed on that. He is willing to compromise on it being allowed in all residential zones except for lots under 6,000 square feet. **Shumway** said it could work on corner lots that have more access.

**Petersen** said he would come back to the Council with a clean copy on September 21, 2021, when he hopes to clear things up so that the City can be in compliance with State law by October 1.

***Motion:***

**Isaacson** moved that the City Council table and come back with a proposed clean version including the matters discussed tonight. If Staff can get a draft to the Council before their next meeting, the Council can review it and be prepared to vote on it.

**Isaacson** included the following items in his motion:

f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to 25% or less of the total area in the municipality that is zoned primarily for residential use. (This would be the R zone in Farmington.)

h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size.

l) record a notice for an internal accessory dwelling unit.

**Anderson** said he is not excited about expanding it, but he is fine with doing what the state law makes cities do. He likes item h. City Attorney **Todd Godfrey** advised to put all three items in the cleaned-up version, as it is easier to strike something than to add it.

**Beus** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**Mayor Talbot** asked that the item be placed on both the Council's next work session and regular agendas.

**Schematic Subdivision Plan and Preliminary Planned Unit Development (PUD) Master Plan—Farmington Ridge PUD**

**Hansell** presented this agenda item. While the underlying zone on this site would allow up to 12 dwelling units, this proposal is for a six-lot subdivision on a landlocked parcel with an easement that can't be vacated.

**Shumway** asked if a slit of open space would be needed to access the back open space behind Units 4, 5 and 6. If each lot is fenced, it will be difficult to access that space. **Hansell** said that will be addressed on a future landscape plan.

**Isaacson** asked about the original plan for this landlocked parcel. **Petersen** replied that it was zoned multifamily before his time, and the dead-end street and 1,000 foot rules came around 1992. Councilmembers discussed the parking and walkability of the proposal. **Petersen** said other areas of the City such as at 2<sup>nd</sup> South and 200 East, as well as **Shumway's** neighborhood, have short driveways and a lack of sidewalks.

Applicant **Aaron Mueller** addressed the Council. He said he amended the original hammer head design to spread it out as requested by the Development Review Committee (DRC). This design is a compromise, as it is a more expensive design due to having to bring in fill. Homeowners won't be allowed to build a fence in order to provide access to the open space. He doesn't want people cutting through yards, which will be addressed on a future landscaping plan.

**Mayor Talbot** opened the Public Hearing at 8:07 p.m.

**Jen Jensen** (91 East 1420 South, Farmington, Utah) addressed the Council. She lives behind the field, which is currently a wild mess. She would like to see that open space maintained and the units owner-occupied. She asked about the size and price of the homes, and if the open space would be public.

**Mayor Talbot** said **Wayne Welninski's** letter will be made part of the public record. His concerns were narrowed down to an increase in traffic after speaking with Staff.

**Mueller** said this project is an HOA hybrid, as garbage collection will be public. HOA CC&Rs will address property landscaping and maintenance for common areas such as the four parking stalls and the back field. He said three units will have basements. Units 4, 5 and 6 will be 3,300 square feet with a 31 ft x 51 foot footprint, walk-out basements, priced between \$600,000 and \$649,000.

**Brent Byington** (133 East 1420 South, Farmington, Utah), who lives around the corner, asked if the CC&Rs would address on-street parking. He would rather not have people parked on the street in front of his home. He suggested requiring all lot owners to have back gates to access the open space. He thanked the applicant for not putting multi-family units in.

**Mayor Talbot** closed the Public Hearing at 8:15 p.m.

**Anderson** and **Beus** expressed their preferences for having a sidewalk. **Anderson** wants the open space accessible and maintained.

**Mueller** said the developer will put in the improvements, including a few trees, and the HOA will just maintain them afterward. A tree in bad shape will need to be removed from the easement, as only grass and sprinklers are allowed there.

**Wayment** said the three cul-de-sacs in her neighborhood are tight with no sidewalks. The biggest problem they have is parking, and she is worried about on-street parking with this proposal. **Mueller** said including two-car garages, all units will have four parking stalls on a public street. Four additional parking stalls will be included for overflow.

**Pace** said the original design was a hammerhead with private roads that was not attractive to the DRC or Planning Commission. This iteration is a full-size cul-de-sac where fire trucks and snowplows can get around. He credited the developer for the redesign so the City will not have to take over roads in the future that were not designed to City standards.

**Mayor Talbot** noted there are many developments throughout the City that don't have sidewalks, curbs or gutters, and that can become problematic. This developer has done a nice job at laying out a development that could have been more dense. **Beus** noted that this is a difficult, landlocked property, and this is as good a use as this parcel is going to get. **Shumway** would like to see a condition that the back is not fenced in order to provide access to the open space.



***Motion:***

**Isaacson** moved that the City Council approve the Preliminary PUD Master Plan and Schematic Subdivision Plan, and enabling ordinance related thereto, for Farmington Ridge PUD, subject to all applicable Farmington City ordinances and development standards with the condition and findings outlined in the Staff Report.

**Condition a:**

- a. The applicant shows that a six-unit HOA can maintain the proposed private infrastructure.

**Findings for Approval 1-4:**

1. Farmington Ridge PUD follows the General Plan and Zoning Ordinance.
2. The applicant proposes six lots, much less than R-4 zoning allows; however, the six-lot layout is more in character and impacts the surrounding neighborhoods less than a denser project.
3. The cul-de-sac configuration lends itself to a small HOA, who will maintain common landscaping areas that are much smaller than in the previous plan.
4. The HOA will no longer be responsible for the maintenance of the access to the PUD, as this new plan is supported by the DRC, and the access will now be a public street.

**Wayment** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**Mayor Talbot** said it would benefit the applicant to listen to his neighbors. **Hansell** said the letter from **Wayne Welninski** would be made part of the record, and Staff has helped him narrow his concerns to only an increase in traffic.

**NEW BUSINESS:**

**Red Barn Trails and People Mover Agreement**

Assistant City Manager/Economic Development Director **Brigham Mellor** presented this agenda item. Farmington City has been in discussions with the Red Barn for some time regarding two items: 1) the amendment to a trail easement between Red Barn and, 2) granting of an easement east of the Red Barn along their eastern-most property line and the Union Pacific trail right-of-way. Farmington has been working on establishing an alignment for a “people mover” to connect the FrontRunner Station to the heart of the business park to the north. This

easement connection is vital in that it is the last remaining gap of the distance to make the connection.

Per the terms of this agreement, the City has agreed to use state Utah Outdoor Recreation Grant (UORG) funding to reimburse the expense associated with the Shepard Creek/Legacy Trail connection (\$50,000 of state funds), and the City is obligated to install a public restroom facility along Red Barn Lane (approximately \$200,000 of City funds). With the increased popularity of trail systems in the wake of the pandemic, the Legacy Trail has seen increased use. There are no permanent restroom facilities north of North Salt Lake City along the 19-mile Legacy Trail system to Farmington. The lack of these amenities have caused a lot of trail patrons to stop at the Red Barn to use their private restrooms, interacting with their students. A public restroom facility closer to the trail alignment will remedy the conflict. Red Barn has agreed to take on the legacy cost of maintaining the facility. The Red Barn has plans to put a waterfall and xeriscaping in the easement extension of the Legacy Trail as it goes north. The Utah Governor's Office of Economic Development (GOED) Office of Recreation may be able to help with a grant. This will be an extension of Farmington's transit station, and a direct line is part of the City's agreement with Stack to pursue a "people mover" such as a shuttle or monorail.

**Pace** said this would fulfill the City's obligations with the contract with Stack. **Beus** said it is worth going after grants and alternate funding sources such as TTAB.

**Mellor** said the people mover has to go straight through, and the State has taken away municipal authority to condemn property for trails. This easement will not equate to taking over ownership of the property. The City's \$50,000 contribution is contingent on the City receiving \$50,000 from the State. To get State funding, the City has to show spending on the trail. The City already has receipts to prove they spent \$180,000.

**Mayor Talbot** said they have been working on this a long time. To get everyone in agreement is a good compromise, and this agreement has taken a long time to formulate.

**Mellor** said **Rich Haws** and his group have been having conversations with Stack, and they all see the benefit of Stack being successful with the remote hub. They are willing to play ball because it enriches their property as well. **Haws** sees the big picture and the value of transit-oriented development. **Godfrey** said he had a phone call with **Mike Haws**, and he made it clear that the means of transportation can be anything from a hay wagon to a train, taxi or monorail.

**Shumway** asked if the City is prepared to maintain the restroom facility if Red Barn backs out. **Pace** answered yes. **Mayor Talbot** said it will be an advantage to Red Barn to maintain the facility so that the public doesn't come into their property to use their bathrooms.

***Motion:***

**Anderson** moved that the City Council approve the Red Barn Trails and People Mover Agreement as outlined in the Staff Report.

**Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**SUMMARY ACTION:**

**Minute Motion Approving Summary Action List**

The Council considered the Summary Action List including Surplus Property; and Approval of Minutes from July 20, 2021; August 3, 2021; August 17, 2021; and August 24, 2021 Canvass.

***Motion:***

**Shumway** moved to approve the Summary Action list items as noted in the Staff Report.

**Beus** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Pace** said Chief **Guido Smith** is in the hospital for kidney stones and a pancreas infection.

He said two weeks ago, six employees went down with COVID-19: three unvaccinated and three vaccinated. An unvaccinated person brought it into the Public Works facility. Another Parks and Recreation Department employee came down with COVID-19. Not all Farmington employees are vaccinated, and less than half in the Public Works Department are vaccinated. All are back to work now after some took unpaid time off. He said it is ironic that the City can't mandate masks, but can mandate vaccines. However, he is not recommending that the City mandate vaccines, although they might have to consider it if employees keep going down.

**Pace** lead the Council in viewing a 6:44 minute video of the West Davis Highway taken by a drone operated by a sewer district employee.

**Mayor Talbot and City Council Reports**

**Mayor Talbot** told the Council he will be attending a mediation on September 29, 2021, with the Utah Department of Transportation. This is a big deal and he will try to fight the damage. **Godfrey** feels the judge who will be acting as the mediator is fair and good.

The dates for the Utah League of Cities and Towns annual convention will be September 29 to October 1. Those wanting to attend should contact City Recorder **Heidi Bouck**. The speaker, an astronaut, will be attending via Zoom. **Mayor Talbot** said that it is important for councilmembers to go to the convention in order to get familiar with issues facing the City.

**Mayor Talbot** provided a swimming pool update. **Pace** was successful in holding a meeting with **Craig Carter**, Davis School District's business administrator and assistant superintendent, to see if the school wanted to participate in the pool project. The City was not going to charge the school for the ground. The School District wants four entities participating including Clearfield, Layton, South Davis, and Farmington, with \$6 million coming from each entity. Pool maintenance was also discussed. The School District said they are not interested in an ongoing pool maintenance agreement, as they don't typically participate in any maintenance agreements. However, **Carter** said he would check with the Superintendent and get back to Farmington City afterwards.

**Mayor Talbot** said he wants to send a letter to the School District thanking them for their time and efforts, but informing them that Farmington can see that this pool will not work for the District. Farmington plans to move ahead with a larger and deeper pool with a diving board and lap swimming, which is not what the District could use. It will be just for Farmington. The project will not proceed with School District participation. It could have been a nice enclosed complex for the high school with seating. Without School District participation, this project for Farmington residents will not move ahead as quickly. The City may have to wait a year or so. He doesn't feel the School District is ready to make a decision on the pool.

**Pace** said the School District only wanted to pay for the building around the lap pool, but not contribute to the lockers and foyer. He said **Carter** said he would not recommend his board share in on the \$340,000 annual operation and maintenance costs. Annual maintenance and operation costs could climb to \$1 million for an indoor pool. **Pace** said the advantage of Farmington building its own pool is that it can be a larger outdoor pool to replace the City's other one. The whole thing, including an indoor pool, would be \$15 million to \$16 million. If others participated, Farmington's half would be \$8 million to \$9 million.

**Mayor Talbot** said the School District is used to going to other recreation facilities in the past and paying per the hour for rentals, about \$30 per hour. They skim by for the school programs, and are not used to seeing the type of money it would take to build, operate, and maintain their own pool.

**Isaacson** mentioned the idea of doing a high-end, regional farmer's market in Farmington and welcomes input on the matter. He said it would help preserve the City's name. A market

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doesn't take a lot of facilities and could possibly be held at the new park. **Beus** said there are farmer's markets in Bountiful, Syracuse, Kaysville and Ogden. **Mellor** said he is personally familiar with Syracuse's Farmer's Market. **Shumway** said it would be good to hold the market consistently, such as on a certain weekday each week. She suggested coordinating with the Utah State University Extension service.

**Anderson** spoke about the emails and video regarding the **Rigby** flooding, and wondered if there was anything the City could do to help, as it came from a storm drain in an adjacent yard.

**Mayor Talbot** said he was going by the next day to look at it following a phone conversation with **Rigby**, and the City's insurance likely won't cover it. The City checked for clogs in the line, and there were none discovered after a camera test the next day. He said the City gave **Rigby** options. He cautioned to not set a precedence.

**Beus** said this situation is too small for state disaster funding. **Mellor** said FEMA would offer \$3,000 at most. **Isaacson** said **Rigby's** emails were offensive, and he feels bad for him. However, the City can't be a guarantor of residents' properties.

**Pace** said it is a 36-inch line coming down from 200 East. He and Public Works Director **Larry Famuliner** handled the situation, since some other employees were not available. He said after 14 years working as Sandy's public utilities director, he knows about a City paying millions of dollars out for an inefficient storm drain system. He assured that Farmington's storm drain is efficient, but this was a unique 500-year storm event handling 2 inches of water. If the City pays claims when they are not required to do so, it sets a dangerous precedence. He does not recommend doing so. He said he invited **Rigby** to file a claim. Most times there is a storm, City residents are flooded and don't approach the City or file a claim. Even **Mayor Talbot** experienced flooding last year because of a secondary irrigation line.

**Anderson** said he has heard rumors about **Armstrong's** intention to develop his land on the mountainside south of town. It is mostly unincorporated, but a small portion is within City boundaries. He has heard that **Strong** plans to take his development proposal through the County first. **Mayor Talbot** said Farmington can't service that area well.

**Anderson** asked about the City's position on flipping park strips to more water-wise landscaping, which may necessitate overriding CC&Rs. He also mentioned a municipal broadband conference held recently in Denver, where the reports about Utopia were not glowing. Since the projects they have will not get them out of the \$220 million hole they are in, Utopia needs the next city/project. He has heard Utopia has tapped some sales tax in some cities. Utopia's days are numbered, especially because other private companies are out there doing the same thing. If Utopia sees private businesses coming in, they may get more aggressive.

**Isaacson** said Bountiful City Council hired a consultant for \$70,000 to prepare a broadband report and recommendation. Farmington may be interested in the results of that study. He feels the best committee for these kinds of things is the City Council, with Staff providing research. **Pace** said the difference between Bountiful and Farmington is that Bountiful has their own electric utility company.

**Pace** said Utopia's discussion with Bountiful did not go well, and when they say the two companies (Utopia and UIA) are separate, they are not. All the major costs come out of UIA, and the Utopia building is paid for by UIA. Their BB minus bonds are almost junk bond status. They have a number of bonds that are taken out but need to be paid back, as cities do not back everything. Centerville has to pay between \$600,000 to \$700,000 from their general fund to Utopia every year, and will have to continue for quite a while. He said he was disheartened when he looked at their financials recently. Farmington's financial advisor showed **Pace** Farmington's bonding capacity compared to Utopia's. **Pace** said Farmington has multiple entities wanting to come into the community to start building broadband. The only advantage of Utopia is that they are committed to building out, and Farmington doesn't have very many areas that are not worth building out.

**Mellor** said a group met to discuss issuing a broadband Request For Proposal (RFP), but he is not sure about forming a formal committee, as many people in the group have ulterior motives. He is collecting names of entities to send an RFP to including Google, Utopia, and CenturyLink. However, due to different business models, it may be comparing apples to oranges.

**Mayor Talbot** said Farmington and Centerville are coming together for a day of service on Saturday, September 11, 2021, beginning with an 8 a.m. flag ceremony.

## **REDEVELOPMENT AGENCY MEETING**

*Mayor Jim Talbot,  
City Manager Shane Pace,  
Mayor Pro Tempore/Councilman Brett  
Anderson,  
Councilman Shawn Beus,  
Councilman Scott Isaacson,  
Councilwoman Amy Shumway,*

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Development Director Brigham Mellor,  
and City Attorney Todd Godfrey.*

### ***Motion:***

Councilman **Scott Isaacson** made the motion to adjourn to the Redevelopment Agency (RDA) Meeting. The motion was seconded by Councilwoman **Amy Shumway**, which was unanimously approved.

### ***Motion:***

At 9:50 p.m., Councilman **Scott Isaacson** made the motion to go into a closed meeting for the purpose of property acquisition. Councilman **Shawn Beus** seconded the motion, which was unanimously approved.

### **Sworn Statement**

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

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**Jim Talbot**, Mayor

### ***Motion:***

At 10:05 p.m., **Beus** made a motion to reconvene to an open meeting. The motion was seconded by Councilwoman **Rebecca Wayment**, which was unanimously approved.

## **ADJOURNMENT**

### ***Motion:***

Mayor Pro Tempore/Councilman **Brett Anderson** made a motion to adjourn the meeting at 10:06 p.m. Councilwoman **Amy Shumway** seconded the motion, which was unanimously approved.

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**Heidi Bouck**, Recorder